

**AN ORDINANCE AS SUBSTITUTED BY
CITY UTILITIES COMMITTEE**

06-O-1958

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER
DESIGNEE TO ENTER INTO A BRIDGE AGREEMENT
BETWEEN THE BOARD OF REGENTS OF THE
UNIVERSITY SYSTEM OF GEORGIA BY AND ON
BEHALF OF GEORGIA STATE UNIVERSITY, AND THE
CITY OF ATLANTA, FOR THE RENOVATION AND
EXPANSION OF A PRESENTLY EXISTING PEDESTRIAN
BRIDGE, FOR THE WAIVING OF ASSOCIATED
MONTHLY RENTAL FEES; AND FOR OTHER
PURPOSES.**

WHEREAS, the Board of Regents of the University System of Georgia by and on behalf of Georgia State University (hereinafter "Georgia State University") wishes to renovate and expand an enclosed connecting multi-level bridge designed for pedestrian traffic and library activity over Decatur Street between Collins Street and Peachtree Center Avenue that connects buildings identified as Library North and Library South; and

WHEREAS, said expansion includes the addition of a new level two, and an expansion of existing levels three, four, and five; and

WHEREAS, the Urban Design Commission, the Director of the Bureau of Buildings, and the Commissioner of the Department of Public Works have reviewed the bridge renovation plans; and

WHEREAS, Section 138-25(3) of the City Code of Ordinances requires the payment of a monthly rental fee for the air space occupied by pedestrian bridges; and

WHEREAS, Georgia State University has formally requested a waiver of the monthly fee associated with the expansion of its pedestrian bridge; and

WHEREAS, Georgia State University is a public institution of higher learning that has previously given tuition waivers to City employees, and has recently extended such benefits for an additional five years; and

WHEREAS, Georgia State University has repeatedly proven itself to be a positive economic partner of the City of Atlanta, the Commissioner of the Department of Public Works has considered the request of Georgia State University to waive the monthly fee, and recommends that such monthly rental fee should be waived; and

WHEREAS, Georgia State University has met all of the remaining requirements of Section 138-25 of the City of Atlanta's Code of Ordinances.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor be and is hereby authorized, on behalf of the Department of Public Works, to enter into a Bridge Agreement and any necessary related encroachment agreements with Georgia State University for the purpose of granting Georgia State University the right to renovate and expand a presently existing pedestrian bridge located above Decatur Street between Collins Street and Peachtree Center Avenue that connects Georgia State University buildings identified as Library North and Library South.

SECTION 2. Georgia State University, an entity of the State of Georgia, is prohibited by law from indemnifying any party. Accordingly, GSU will require any contractors who perform the work contemplated herein to indemnify and hold the city harmless from all claims arising out of the construction, maintenance, or removal of the bridge, and will maintain a policy of public liability insurance, at no expense to the city and in an amount approved by the city.

SECTION 3. The plans and specifications for said bridge renovation shall be submitted for the review and approval of the Commissioner of Public Works as well as acquiring all applicable permits as required by code of ordinances as needed for said renovation.

SECTION 4. The plans and specifications for said bridge renovation shall be reviewed by the Urban Design Commission as it relates to design.

SECTION 5. The City Attorney is hereby directed to prepare an appropriate bridge agreement, without the imposition of a monthly rental fee, for execution by the Mayor, to be approved by the City Attorney as to form.

SECTION 6. The bridge agreement shall not be binding upon the City, and the City shall incur no liability upon same, until said agreement has been executed by the Mayor and delivered to the contracting parties.

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BEHALF OF GEORGIA STATE UNIVERSITY, AND THE
CITY OF ATLANTA, FOR THE RENOVATION AND
EXPANSION OF A PRESENTLY EXISTING PEDESTRIAN
BRIDGE IN ACCORDANCE WITH SECTION 138-25 OF
THE CITY OF ATLANTA'S CODE OF ORDINANCES;
AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Regents of the University System of Georgia by and on behalf of Georgia State University (hereinafter "Georgia State University") wishes to renovate and expand an enclosed connecting multi-level bridge designed for pedestrian traffic and library activity over Decatur Street between Collins Street and Peachtree Center Avenue that connects buildings identified as Library North and Library South; and

WHEREAS, said expansion includes the addition of a new level two, and an expansion of existing levels three, four, and five; and

WHEREAS, the Urban Design Commission, the Director of the Bureau of Buildings, and The Commissioner of the Department of Public Works have reviewed the bridge renovation plans; and

WHEREAS, Georgia State University has met all of the requirements of Section 138-25 of the City of Atlanta's Code of Ordinances.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Mayor be and is hereby authorized, on behalf of the Department of Public Works, to enter into a Bridge Agreement and any necessary related encroachment agreements with Georgia State University for the purpose of granting Georgia State University the right to renovate and expand a presently existing pedestrian bridge located above Decatur Street between Collins Street and Peachtree Center Avenue that connects Georgia State University buildings identified as Library North and Library South.

SECTION 2. Georgia State University, an entity of the State of Georgia, is prohibited by law from indemnifying any party. Accordingly, GSU will require any contractors who perform the work contemplated herein to indemnify and hold the city

harmless from all claims arising out of the construction, maintenance, or removal of the bridge, and will maintain a policy of public liability insurance, at no expense to the city and in an amount approved by the city.

SECTION 3. Georgia State University shall pay a monthly rental fee to the City as provided for in Section 138-25(c)(7) of the Code of Ordinances.

SECTION 4. The plans and specifications for said bridge renovation shall be submitted for the review and approval of the Commissioner of Public Works as well as acquiring all applicable permits as required by code of ordinances as needed for said renovation.

SECTION 5. The plans and specifications for said bridge renovation shall be reviewed by the Urban Design Commission as it relates to design.

SECTION 6. The City Attorney is hereby directed to prepare an appropriate bridge agreement for execution by the Mayor, to be approved by the City Attorney as to form.

SECTION 7. The bridge agreement shall not be binding upon the City, and the City shall incur no liability upon same, until said agreement has been executed by the Mayor and delivered to the contracting parties.